

ORIGINALDecision No. 69167

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of BAY & OCEAN CRUISES,)
 INC. for an order revoking its)
 certificate of public convenience)
 and necessity as a common carrier)
 by vessel.)

Application No. 47456
 (Filed April 1, 1965)

O P I N I O N

Applicant seeks to have its operating authority revoked. The verified application avers that applicant holds a certificate of public convenience and necessity authorizing it to operate as a common carrier by vessel; that its certificate authorizes it to conduct certain loop sightseeing operations from San Francisco and Sausalito; that after the certificate was issued, the California Supreme Court held that a loop sightseeing operation by vessel does not require a certificate of public convenience and necessity; that applicant's certificate also authorized it to provide transportation between San Francisco, on the one hand, and Sausalito and Angel Island, on the other hand, and between Sausalito and Angel Island; that operations between these points were sporadic and were discontinued several years ago; that applicant's stock has been transferred to new owners who do not intend to operate as a common carrier by vessel; and that applicant believes that its certificate presently has no value.

The Commission makes the following findings and conclusions, based upon the verified allegations of the application.

Findings of Fact

1. A public hearing is not necessary in this matter.

2. By Decision No. 62918 in Application No. 43890, as amended by Decision No. 63352 in Application No. 43890, applicant acquired the rights to operate as a common carrier by vessel from and between the following points:

- (a) Commencing at San Francisco and traversing the waters of San Francisco Bay and the Pacific Ocean without touching land and thence returning to San Francisco.
- (b) Commencing at Sausalito and traversing the waters of San Francisco Bay and the Pacific Ocean without touching land and thence returning to Sausalito.
- (c) San Francisco on the one hand and Sausalito on the other hand.
- (d) San Francisco on the one hand and Angel Island on the other hand.
- (e) Sausalito on the one hand and Angel Island on the other hand.

3. In the case of Golden Gate Scenic S.S. Lines v. Public Utilities Commission, 57 Cal. 2d 373, the Supreme Court of the State of California held that a certificate of public convenience and necessity was not required for a loop sightseeing operation by vessel.

4. Applicant has not operated common carrier vessel service between the points it is authorized to serve, in its certificate of public convenience and necessity, for several years.

Conclusions of Law

1. Applicant is not required to have a certificate of public convenience and necessity for any loop sightseeing operations by vessel.

2. Applicant has abandoned its between points common carrier vessel operations.

3. The application should be granted, and applicant's certificate of public convenience and necessity should be revoked.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity to operate as a common carrier by vessel acquired by Bay & Ocean Cruises, Inc., by Decision No. 62918 dated December 12, 1961, as amended by Decision No. 63352 dated March 6, 1962, in Application No. 43890, is revoked.

2. Local Passenger Tariff No. 1, Cal. P.U.C. No. 1, of Bay & Ocean Cruises, Inc., is canceled.

The Secretary of the Commission is directed to cause service of a certified copy of this order to be made upon Bay & Ocean Cruises, Inc., or to mail a certified copy thereof to it at its last known address as shown in the Commission's records.

The effective date of this order shall be the thirtieth day after service thereof.

Dated at San Francisco, California, this 1st day of JUNE, 1965.

Fredrick B. Hallock
President

George H. Trover
Commissioners

William M. Edmunds
Commissioners